

In accordance with the provisions of 37 C.F.R. §1.8,  
I hereby certify that this Reply and Amendment is being filed electronically  
via EFS-Web on September 8, 2009.  
/J. Matthew BUCHANAN, Reg.No. 47459/  
J. Matthew Buchanan, Registration No. 47,459

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Khrushchev et al. )	Atty Dkt No:	1006-001
	)		
Serial No:	10/575,675 )	Examiner:	Sung H. PAK
	)		
Filed:	March 16, 2007 )	Art Unit:	2874
	)		
Customer No.:	79606 )	Confirmation No.:	2207

For: LASER INSCRIPTION OF OPTICAL STRUCTURES IN CRYSTALS

Mail Stop - Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REPLY TO RESTRICTION REQUIREMENT

Honorable Sir:

The following comments and amendments are made in response to the restriction requirement issued by the Examiner on July 7, 2009, setting a shortened statutory period for reply of one month.

As this Reply is being electronically filed via the Electronic Filing System (EFS-Web) on September 8, 2009, immediately following the Labor Day holiday and along with an appropriate Petition for Extension of Time, it is timely.

**Amendments to the Specification** are not presented in this paper.

**Amendments to the Drawings** are not presented in this paper.

**Amendments to the Claims** are not presented in this paper.

**An election with traverse** begins on page 2.

## **RESTRICTION WITH TRAVERSE**

In the restriction requirement, the Examiner asserts that the claims as amended are drawn to two (2) distinct inventions, and requires restriction to one of the listed inventions. The Examiner grouped the claims as follows:

I. Claims 1, 3 through 10, 12 through 26, 28 through 42, 44 through 56, 58, 59, and 63 through 72, drawn to a crystal and a method of altering the refractive index of a crystal;

II. Claims 60 and 61, drawn to a laser formed by a waveguide having a cladding of depressed refraction index.

The Examiner states that the groups do not relate to a single general inventive concept under PCT rule 13.1 because they lack the same or corresponding special technical features required by rule 13.2. Specifically, the Examiner asserts that the special technical feature of the claims of Group I is a crystal and a method of lowering the refractive index of the crystal in a predetermined path within the crystal. The Examiner characterizes the special technical feature of the claims of Group II as "a laser formed by a waveguide having a cladding of depressed refractive index."

Applicants respectfully traverse the need for restriction to one of the listed groups at least because the special technical features listed by the Examiner merely reflect the preambles of the listed claims. Claims from both groups relate to altered refractive indices and, as a result, searching all of the claims would not place an undue burden onto the Examiner. The Examiner has grouped all of the claims as amended into only two different groups. Clearly a comprehensive search will not place an undue burden on the Examiner. Applicants respectfully assert that, for at least these reasons, restriction is unnecessary.

If the Examiner reconsiders the restriction requirement in light of the arguments above, Applicants respectfully request that the Examiner proceed to examine all pending claims in the application. If, however, the Examiner makes